

REMARKS

This Amendment addresses the issues outstanding in the final Office Action dated February 13, 2009. Applicants respectfully request favorable reconsideration of this application, as amended.

By this Amendment, and without acceding to the rejection, independent Claim 1 has been amended to clarify the invention intended to be claimed. Claims 2-5, 9, 10, and 12 have been amended for consistency with the changes made in Claim 1.

Claims 1, 2, 5, 9, 10, and 12 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,684,025 to Copeland et al. (“*Copeland*”). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Copeland* in view of JP Publication No. 63-189224 to Hiroaki (“*Hiroaki*”).

Without acceding to the rejection, independent Claim 1 has been amended, as noted above, to clarify the invention intended to be claimed. In particular, Claim 1 now recites a system for processing a pre-formed plastic container filled with a hot product. Claim 1 further recites that the system comprises, *inter alia*, hot-filling means for filling a rigid container body of the pre-formed plastic container with the hot product in a production line, wherein the rigid container body has a surface surrounding an interior of the rigid container body and has a projection extending from the rigid container body. Support for the changes to Claim 1 can be found in Applicants’ disclosure, at least on page 2, lines 13-14 and 18, which discuss a blow-molded container that retains its structural integrity and the container retains its requisite strength. Support also is provided on page 6, lines 24-26 of the specification, which is directed to containers being formed in a blow molding or forming’ operation.

Copeland fails to teach or suggest at least the aforementioned features of Claim 1.

Copeland is directed to a system for processing a film of material 10 supplied from rollstock 12 to make a “thermoformed/filled/vacuumed/sealed/shaped” container.

See Copeland, col. 3, lines 55-58. *Copeland* refers to the film 10 as being non-shape retaining flexible film and indicates that it is heated such that it becomes “soft,” and thereafter, the “heated and softening” film is drawn and stretched to form a container 30.

See id., col. 3, lines 62-68; col. 4, lines 1-15; Claim 1. In drawing and stretching the film 10, *Copeland* indicates that sidewalls and a bottom end wall of the container become thin and flexible. *Id.*, col. 4, lines 26-28. *Copeland* defines “flexible” to mean incapable of maintaining a fixed shape by itself, i.e., non-shape retaining. *Id.*, col. 4, lines 28-30.

Afterward, the container is filled, sealed, and the bottom wall formed, the initial forming of the bottom wall being performed under a vacuum using a moveable shaping die, wherein the shaping die is held in its upward position until the vacuum is removed.

See id., col. 4, lines 33-65. *Copeland* states that upon removing the vacuum, “the pressure differential between the interior and exterior of the container 44 holds the container in the fixed shape give to it by the forming die.” *Id.*, col. 5, lines 4-8.

Clearly *Copeland*’s disclosure of processing a non-shape retaining and flexible film to form a container and processing the container with flexible bottom and sidewalls are not the same as Applicants’ system for processing a pre-formed plastic container having a rigid container body.

Furthermore, at the time of filling the container at zone D, the sidewalls of *Copeland*’s container are flexible, not rigid. Therefore, *Copeland* cannot teach or suggest Applicants’ claimed hot filling means for filling a rigid container body of the pre-formed plastic container. Additionally, Applicants’ disclosed “hot filling means for filling a rigid container body of the pre-formed plastic container with the hot product” outputs a hot

product, whereas *Copeland* does not disclose that charging hoppers 21 output a hot product.

Accordingly, *Copeland* fails to teach or suggest at least Applicants' disclosed hot filling means for filling a rigid container body of the pre-formed plastic container with the hot product, as recited in Claim 1. Nor is anything in *Copeland* the same as or equivalent to the structure disclosed by Applicants for hot filling, such as described in the specification at page 3, lines 18-20 or shown in Figure 2, including a hot product output, under 35 U.S.C. § 112, sixth paragraph.

Hiroaki, which was used as a secondary reference to reject Claims 3 and 4, fails to cure the above-noted deficiencies of *Copeland*.

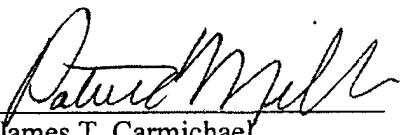
In view of the foregoing, Claim 1 distinguishes patentably from the collective disclosures of *Copeland* and *Hiroaki* and is allowable. Claims 2, 3, 4, 5, 9, 10, and 12 are allowable at least based on their dependence from Claim 1.

A Notice of Allowance is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4289FP-13495US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By: 
James T. Carmichael
Reg. No. 45,306

Date: March 18, 2009
Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 610-8651

Patrick L. Miller
Reg. No. 57,502